

THE HONORABLE BENJAMIN H. SETTLE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

TRACY WISE,

Plaintiff,
v.

WINCO HOLDINGS, INC.,
Defendant.

Case No.: 3:19-CV-05744

**AGREED MOTION FOR MODIFIED
SCHEDULING ORDER**

The parties submit this Agreed Motion to Amend Scheduling Order for the following reasons.

On December 5, 2019, the Court issued a Minute Order Setting Trial and Pretrial Dates (Dkt. No. 8) with the following deadlines:

Five Days Bench Trial	January 19, 2021
Deadline for filing of any motion to join parties	January 6, 2020
Deadline for amending pleadings	January 15, 2020
Disclosure of expert testimony FRCP 26(a)(2)	July 13, 2020
All motions related to discovery must be filed by	August 24, 2020
Discovery completed by	September 21, 2020
All dispositive motions filed by	October 21, 2020
Motions in Limine filed by and noted on the motion calendar no	December 14, 2020

AGREED MOTION TO AMEND SCHEDULING ORDER - 1
(CASE NO.: 3:19-CV-05742-RJB)

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4821-5372-0006.1

later than the third Friday thereafter but no later than the Friday before any scheduled pretrial conference.	
Agreed pretrial order lodged with the Court by	December 28, 2020
Pretrial conference will be held on	January 4, 2021
Trial briefs, Proposed voire dire, jury instructions due	December 29, 2020

The extraordinary outbreak of the novel coronavirus (“COVID-19”) and the subsequent implementation of shelter-in-place orders, social distancing measures, and travel restrictions in Washington State and across the nation severely hampered the parties’ ability to schedule and complete the depositions of the plaintiff and other witnesses and to address pretrial issues and motions. Like many civil litigants throughout the nation, counsel for the parties cooperatively agreed to postpone depositions and other pretrial matters in the hope that restrictions might be lifted. Other discovery efforts like interviewing witnesses have also been hampered, as in-person meetings were not advised.

Attorneys and court reporters have shifted to remote work, using video-based applications for meetings and depositions. Depositions have been challenging, and schedules have been strained while we all adapt to the new normal. The pandemic, in short, has made a mess of litigation schedules. The parties believe the Court likely did not contemplate this pandemic and its consequences when it issued the original Minute Order Setting Trial and Pretrial Dates, and there is good cause to amend the case schedule.

The parties’ counsel met and conferred on July 23, 2020 to discuss a timeline and logistics for prompt completion of the remaining depositions and other pretrial matters and motions. Given the ongoing shelter-in-place orders and uncertainty regarding the pandemic, the parties intend to complete depositions and address potential settlement and other pretrial matters by virtual means. The parties believe that the case can be prepared properly for a trial date on or after June 1, 2021, with other case deadlines adjusted accordingly.

Given the extraordinary circumstances of the pandemic and its ongoing impact, there is

good cause to amend the existing scheduling order. The parties request that the Scheduling Order be amended to include the following deadlines:

Five Days Bench Trial	June 1, 2021
Disclosure of expert testimony FRCP 26(a)(2)	December 13, 2020
All motions related to discovery must be filed by	January 24, 2021
Discovery completed by	February 21, 2021
All dispositive motions filed by	March 21, 2021
Motions in Limine filed by and noted on the motion calendar no later than the third Friday thereafter but no later than the Friday before any scheduled pretrial conference.	April 30, 2021
Agreed pretrial order lodged with the Court by	May 1, 2021
Pretrial conference will be held on	May 10, 2021
Trial briefs, Proposed voire dire, jury instructions due	May 2, 2021

WHEREFORE, the Parties respectfully request that the Court grant this Agreed Motion and amend the existing case scheduling deadlines as proposed by the Parties. A proposed order is filed contemporaneously herewith.

DATED: August 7, 2020

LONGSHOT LAW, INC.

/s/Chalmers C. Johnson

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Attorney for Plaintiff

MILLER NASH GRAHAM & DUNN LLP

/s/Richard P. Lentini

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E-mail: richard.lentini@millernash.com
206.624.8300

Attorney for Defendant

1 I hereby certify that I filed the foregoing and with the Clerk of the Court using the
2 CM/ECF system which will send notification of such filing to the following:

3 Richard P. Lentini
4 MILLER NASH GRAHAM & DUNN LLP
5 Pier 70 ~ 2801 Alaskan Way, Suite 300
6 Seattle, Washington 98121-1128
7 E-mail: richard.lentini@millernash.com

8 Attorney for Defendant

9 Under the laws of the United States of America and the state of Washington, the
10 undersigned hereby declares, under the penalty of perjury, that the foregoing statements are
11 true and correct to the best of my knowledge.

12 Signed at Port Orchard, Washington, on August 10, 2020.

13 s/Chalmers C. Johnson
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THE HONORABLE ROBERT J. BRYAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

ALEXANDER MONSLOW,

Plaintiff,
v.

WINCO HOLDINGS, INC.,

Defendant.

Case No.: 3:19-CV-05742-RJB

**[PROPOSED] ORDER AMENDING
CASE SCHEDULE AND SETTING TRIAL
AND PRETRIAL DATES**

THIS MATTER having come before the below-signed Judge of the above-entitled Court upon an Agreed Motion to Amend Scheduling Order and the Court having considered the motion and found good cause therefore,

IT IS HEREBY ORDERED that the Agreed Motion to Amend Scheduling Order is GRANTED. The Court amends the Minute Order Setting Trial and Pretrial Dates (Doc. No. 8) as follows:

Five Days Bench Trial	June 1, 2021
Disclosure of expert testimony FRCP 26(a)(2)	December 13, 2020
All motions related to discovery must be filed by	January 24, 2021
Discovery completed by	February 21, 2021
All dispositive motions filed by	March 21, 2021

ORDER AMENDING CASE SCHEDULE - 1
(Case No.: 3:19-CV-05742-RJB)

Longshot Law, Inc.
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(425) 999-0900
4821-5372-0006.1

Motions in Limine filed by and noted on the motion calendar no later than the third Friday thereafter but no later than the Friday before any scheduled pretrial conference.	April 30, 2021
Agreed pretrial order lodged with the Court by	May 1, 2021
Pretrial conference will be held on	May 10, 2021
Trial briefs, Proposed voire dire, jury instructions due	May 2, 2021

DATED: August __, 2020.

Honorable Benjamin H. Settle
United States District Court Judge

1 I hereby certify that I filed the foregoing and with the Clerk of the Court using the
2 CM/ECF system which will send notification of such filing to the following:

3 Richard P. Lentini
4 MILLER NASH GRAHAM & DUNN LLP
5 Pier 70 ~ 2801 Alaskan Way, Suite 300
6 Seattle, Washington 98121-1128
7 E-mail: richard.lentini@millernash.com

8 Attorney for Defendant

9 Under the laws of the United States of America and the state of Washington, the
10 undersigned hereby declares, under the penalty of perjury, that the foregoing statements are
11 true and correct to the best of my knowledge.

12 Signed at Port Orchard, Washington, on August 10, 2020.

13 s/Chalmers C. Johnson
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